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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/983,041

**Applicant(s)**

SHIBUYA, ATSUSHI

**Examiner**

OLEG SURVILLO

**Art Unit**

2142

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-18,21-29,31,34-38,40,41,43,45-47,49,50,52,54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-18,21-29,31,34-38,40,41,43,45-47,49,50,52,54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2007 and 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-843)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-3, 6-18, 21-29, 31, 34-38, 40, 41, 43, 45-47, 49, 50, 52, 54, and 55 remain pending in the application. Claims 1, 14, 16, 29, 38, 43, 47, and 52 are currently amended. Claims 4, 5, 19, 20, 32, 33, 42, 44, 51, and 53 are canceled. No new claims are added.

### ***Response to Arguments***

2. With regard to the Applicant's remarks dated February 14, 2008:  
regarding objection to the title as being non-descriptive, Applicant's amendment to provide a new title that is clearly indicative of the invention claimed has been fully considered and is sufficient. Therefore, objection is withdrawn.

Regarding the rejection of claim 29 under 35 U.S.C. 101 as being directed to non-statutory subject matter, Applicant's amendment to include "a display unit" sufficiently provides at least one tangible element that renders a terminal device of claim 29 tangible. Therefore, the rejection has been withdrawn.

Regarding the rejection of claim 47 under 35 U.S.C. 101 as being directed to non-statutory subject matter, Applicant's amendment has been fully considered, but is deemed insufficient to overcome the rejection, for the reasons given below under the heading Claim Rejections – 35 USC 101. Therefore, the rejection is maintained.

Regarding the rejection of claims 1-7, 10-22, 25-29, 31-35, 38, 40-44, and 49-53 under 35 U.S.C. 102(b), Applicant's arguments have been fully considered and are

persuasive. Applicant argued that: "*Deluca does not disclose or suggest the dual aspects of the table claimed in the present invention*". This argument is persuasive because Deluca does not teach a table that would not contain a file itself. In Deluca, the table is positively recited as containing an image file data. Therefore, the argued dual aspect of the table is not shown in Deluca. As a result, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of additional references.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 49, 50, 52, 54, and 55 recite the limitation "the computer program" in the claim body. There is insufficient antecedent basis for this limitation in the claim.
5. Claims 16-18, 21-28, 38, 40, 41, 43, 45-47, 49, 50, 52, 54, and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 appears to positively recite a table as including at least one corresponding identified image or sound file for each retrieval condition (lines 9-10 of claim body), comparing to claim 1 that only recites a table as including at least one corresponding identifier for an image or sound file. The difference between these two

concepts is fully explained by Applicant in remarks dated February 14, 2008. Therefore, the condition, as specified at lines 21-23 of the claim body wherein the table does not include said necessary data [identified image or sound file itself] and only a pointer in a form of identifier to the actual storage location of image or sound file, is contradictory because the table was positively recited as including said necessary data. The claim is, therefore, ambiguous, because the table either contains the file or it does not; it may not satisfy both conditions, as claimed.

Claims 17, 18, and 21-28 are rejected on the same grounds as these claims are dependent from claim 16.

Claim 38 is rejected for the same reasons as claim 16, as discussed above. In particular, at lines 8-9 of the claim body a table is positively recited as storing (recording) each said identified image or sound file. Therefore, condition at lines 15-17 of the claim body "if said table does not include said necessary data" is contradictory. As a result, claim 38 is ambiguous.

Claims 40, 41, 43, 45, and 46 are rejected on the same grounds as these claims are dependent from claim 38.

Claim 47 is rejected for the same reasons as claims 16 and 38 above. Claims 49, 50, 52, 54, and 55 are rejected on the same grounds as these claims are dependent from claim 47.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 47, 49, 50, 52, 54, and 55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 47, use of the word "system" does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 35 U.S.C. 101.

As claimed, the system is comprising first computer code, second computer code, third computer code, and fourth computer code each performing a specified function. Such computer code is interpreted to be a software per se, which is not embodied in an appropriate computer readable medium. The claimed system also comprises a terminal device, which is intended for display of image or sound file. The limitation of a terminal device fails to provide sufficient structure to determine this element being a physical part of the claimed system. Additionally, both "a terminal device" and "second computer code" are intended for display of image or sound file based on claim language. Therefore, the claim language provides sufficient evidence to

interpret "a terminal device" as being a software per se, since it is implemented for display of image or sound file similarly to a second computer code implemented for performing the same function.

As a result, claim 47 is rejected as a system of software per se, failing to fall within a statutory category of the invention.

Claims 49, 50, 52, 54, and 55 fail to introduce a physical part of a device that would render the claimed system statutory under 35 U.S.C. 101. Therefore, these claims are rejected for the same reason as claim 47 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6, 7, 10-18, 21, 22, 25-29, 31, 34, 35, 38, 40, 41, 43, 47, 49, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al. (US Patent No.: 5,784,001) in view of Okamoto (US Patent No.: 5,684,999).

As to claim 1, Deluca shows a communication system (Figs. 1 and 11, col. 5 line 16) including:

a communication network [having a data communication receiver and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20);

a plurality of terminal devices [data communication receiver (100), transmitting terminal (305)] (col. 1 lines 9-11, Fig. 1, Fig. 11) connectable to said communication network for transmitting from a sender [transmitting terminal] and receiving by a user [receiver] an information item [electronic message] (col. 2 lines 42-50) through said communication network;

wherein said communication system includes a table [graphics database (155)] (Figs. 2 and 14) which provides at least one retrieval condition [key words or codes] (Figs. 2 and 14) and for each said retrieval condition at least one corresponding identifier for an image file to be displayed [name of the image to be displayed] (Figs. 2 and 14), so as to enable said terminal devices of said user to detect in said information item from said sender said at least one retrieval condition [having a presentation element (150) that recognizes predetermined codes or predetermined key words in the message] (col. 2 lines 42-50, col. 6 lines 22-25) and if the retrieval condition is detected in said information item by said user's terminal device [if predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25) to display said information item with said at least one corresponding identified image file [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the corresponding image file being distinct from said information item [the image file



representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36),

a display, at a terminal device at a receiving user of said information item [display (130)] (Fig. 1, col. 2 lines 35-39), of said image or sound file when said receiving terminal device detects said corresponding identifier in said information item (Fig. 10, col. 4 lines 49-51),

means for obtaining necessary data from said table for said display of said image or sound file, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

means for obtaining said necessary data for said display of said image or sound file, said table including designating data which designates said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

It is noted that the claim language positively recites a table including at least one corresponding identifier for an image or sound file to be displayed (lines 5-7 of claim body). However, claim 1 is conditional since it specifies that the table may include said necessary data [image or sound file itself] for some cases, as evidenced by (first) means for obtaining; for other cases the table may not include said necessary data [image or sound file itself] and only a pointer in a form of identifier, as discussed above, to the actual storage location of image or sound file, as evidenced by (second) means for obtaining. These two cases are mutually exclusive because the table either contains the file itself or it does not. In Deluca, the table contains an image file itself (first case). Therefore, Deluca does not teach the second case where the table does not contain a file itself.

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of

actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 2, 17, 31, 40, and 49, Deluca shows that each retrieval condition in said table comprises a key object (Figs. 2 and 14, col. 3 line 18-28, col. 6 lines 22-36).

As to claims 3, 18, 41, and 50, Deluca shows that each said key object comprises at least one object selected from the group of key words and key marks [key words and codes] (Figs. 2 and 14, col. 3 line 18-28, col. 6 lines 22-36).

As to claims 6, 21, and 34, Deluca shows that said table is editable [being able to add additional codes and corresponding image data to the graphics database] (col. 3 lines 6-13, Fig. 13).

As to claim 7, Deluca shows that said table is transferable through said communication network [downloading graphics database over-the-air] (col. 3 lines 9-12, col. 6 lines 1-18, Fig. 13).

As to claim 10, Deluca shows that said table is stored in a memory of said terminal device (col. 3 lines 1-3, Fig. 1).

As to claim 11, Deluca shows that said table is open on a server computer on said communication network, so as to enable said terminal device to download said table from said server [programming the data communication receiver over-the-air with new or enhanced images and corresponding codes by transmitting a programming message from a terminal (305)] (Fig. 12, Fig. 13, col. 5 lines 48-67 and col. 6 lines 1-18).

As to claims 12 and 25, Deluca shows that each of said terminal devices includes:

a first functional block for performing said retrieval under said retrieval condition with reference to said table [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

a second functional block for displaying said information item with said at least one corresponding identified image file [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claims 13 and 26, Deluca shows that each of said terminal devices further includes:

a third functional block for transmitting and receiving said table through said communication network [receiver (110), Fig. 1, col. 2 line 20).

As to claim 14, Deluca shows that each of said terminal devices includes:

a processing unit [processor (120), Fig. 1, col. 2 lines 24-26]; and

a memory accessible by said processing unit [ROM (135), Fig. 1, col. 28-32), and said memory storing a computer program [presentation element (150)] comprising:

means for performing said retrieval under said at least one retrieval condition with reference to said table (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

means for displaying on said display said information item with said at least one corresponding identified image file (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claims 15 and 28, Deluca shows that said computer program further comprises means for transmitting and receiving said table through said communication network (Fig. 13, col. 6 lines 1-18).

As to claim 16, Deluca shows a terminal device [data communication receiver (100)] connectable to a communication network [having a data communication receiver

and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20), said terminal device comprising:

a processing unit [processor (120), Fig. 1, col. 2 lines 24-26];

a communication unit electrically coupled to said processing unit for transmitting and receiving an information item [receiver (110), Fig. 1, col. 2 line 20];

a display unit electrically coupled to said processing unit for displaying said information item [display (130)] (Fig. 1, col. 2 lines 35-39);

an operation unit electrically coupled to said processing unit for operating said terminal device [controls (140)] (Fig. 1, col. 2 lines 35-37); and

a memory unit electrically coupled to said processing unit [ROM (135), Fig. 1, col. 28-32] for storing a table [graphics database] (col. 4 lines 43-45) which provides at least one retrieval condition [key words or codes] (Figs. 2 and 14) and for each said retrieval condition at least one corresponding identified image file [image to be displayed] (Figs. 2 and 14), so as to enable said terminal device of a user to detect in an information item transmitted from said terminal device of a sender said at least one retrieval condition [having a presentation element (150) that recognizes predetermined codes or predetermined key words in the message] (col. 2 lines 42-50, col. 6 lines 22-25) and if the retrieval condition is detected [if predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25) to display said information item with said at least one corresponding

identified image file [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the corresponding image file being distinct from said information item [the image file representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36).

a display, on said display unit, of said image or sound file when said receiving terminal device detects said corresponding identifier in said information item (Fig. 10 element (245), col. 4 lines 49-51),

means for obtaining necessary data from said table for said display of said image or sound file, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

means for obtaining said necessary data for said display of said image or sound file, said table including designating data which designates said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 22 and 35, Deluca shows that said table is transferable from said communication unit through said communication network [downloading graphics database over-the-air] (col. 3 lines 9-12, col. 6 lines 1-18, Fig. 13).

As to claim 27, Deluca shows that said memory stores a computer program comprising:



means for performing said retrieval under said at least one retrieval condition with reference to said table (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

means for displaying said information item with said at least one corresponding identified image file (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claim 29, Deluca shows a terminal device [data communication receiver (100)] connectable to a communication network [having a data communication receiver and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20), said terminal device comprising:

means for detecting [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10) in an information item [electronic message] a retrieval condition [key words or codes] (Figs. 2 and 14), said information item and said retrieval condition having been transmitted over said communication network by a said terminal device of a sender to a said terminal device of a user (col. 2 lines 42-50);

a display unit [display (130)] (Fig. 1, col. 2 lines 35-39) for displaying said information item with at least one image file identified as corresponding to each said detected retrieval condition, the image file being distinct from said information item [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the

presentation element drives display (130) with image data and/or message characters included in message, step (235)),

a table which identifies said retrieval condition and each said identified image file corresponding to said retrieval condition [graphics database (155)] (Figs. 2 and 14).

a display, on said display unit, of said image or sound file when said detecting means detects said corresponding identifier in said information item (Fig. 10 element (245), col. 4 lines 49-51),

means for obtaining necessary data from said table for said display of said at least one image or sound file, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

means for obtaining said necessary data for said display of said at least one image or sound file, said table including designating data which designates said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claim 38, Deluca shows:

detecting in an information item a retrieval condition [predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25), said retrieval condition having been inserted in said information item by a sender and said information item having been transmitted over a communication network by said sender to a user (col. 2 lines 42-60);

displaying said information item with at least one image file identified as corresponding to said detected retrieval condition [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the image file being distinct from said information item [the image file representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36),

wherein said retrieval condition and each said identified image file corresponding to said retrieval condition is recorded in a table [graphics database (155)] (Figs. 2 and 14) and said detecting is performed with reference to each of one or more retrieval conditions in said table (col. 3 lines 38-50), said displaying being performed for each detected retrieval condition (Figs. 3-8),

obtaining necessary data from said table for said displaying of said image or sound file with an information item, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

obtaining said necessary data for said displaying of said image or sound file with said information item, said table including designating data which designates said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36),

wherein said sender and said user are each capable of executing said method (col. 1 lines 9-11).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 43 and 52, Deluca in view of Okamoto shows reading out said necessary data in accordance with said designating data before displaying said information item [recognizing a code associated with a graphic message for determining, with reference to the code format, whether any characters included in the message are arranged in the predetermined code format] (col. 4 lines 40-50, col. 6 lines 40-44 in Deluca; col. 8 lines 19-47, Fig. 3 in Okamoto).

As to claim 47, Deluca shows a computer code [presentation element (150)] and a terminal device (Fig. 1) capable of performing the method steps, as discussed per claim 38.

9. Claims 8, 9, 23, 24, 36, 37, 45, 46, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al. in view of Okamoto and in further view of Abu-Hakima et al. (US Patent No.: 6,820,237 B1).

As to claims 8, 23, 36, 45, and 54, Deluca in view of Okamoto shows all the elements except said information item comprises an e-mail.

Abu-Hakima teaches an apparatus and method for intelligently analyzing key words/phrases of an electronic document by recognizing and utilizing the context of the electronic document such as e-mail (col. 1 lines 5-15, col. 3 lines 10-50).

Abu-Hakima shows that said information item [electronic document] comprises an e-mail (col. 1 lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system/device/method/program of Deluca by having the information item comprise an e-mail in order perform retrieval of key words/key marks from an electronic message being an e-mail, as taught by Abu-Hakima, and presenting graphic messages in a data communication receiver, as taught by Deluca.

As to claims 9, 24, 37, 46, and 55, Deluca in view of Abu-Hakima shows that said e-mail has at least an attached file (col. 5 lines 10-12 in Abu-Hakima).

### ***Conclusion***

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLEG SURVILLO whose telephone number is (571)272-9691. The examiner can normally be reached on M-Th 8:30am - 6:00pm; F 8:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Oleg Survillo

Phone: 571-272-9691

/Andrew Caldwell/  
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